

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
June 10, 2008 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Alderman Steve Rauch, Commissioners John Lynch, Darrel Eisenhardt, Bob Henney, Bob Schulte and Town of Burlington Representative Phil Peterson. Alderman Tom Vos was excused. Also present were: City Administrator Kevin Lahner, City Planner Patrick Meehan and Building Inspector / Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Lynch moved and Commissioner Rauch seconded to approve the minutes of May 13, 2008 and June 3, 2008. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

None.

OLD BUSINESS

None.

NEW BUSINESS

1. **Consideration to recommend approval of Ordinance 1862(4) to the Common Council to amend Sections 315-25E and 315-43E of the Municipal Code. This Text Amendment will reduce the minimum acreage required for Residential Planned Unit Development Overlay Districts.**

Mayor Miller opened this item for discussion.

Commissioner Henney questioned if this text amendment is for multi-family districts only. Patrick Meehan explained that it is for any residential district.

Commissioner Lynch questioned why the change is being proposed. Administrator Lahner explained that the text amendment is regarding the Bel-Mur proposal. The proposed development, which would need to be a Planned Unit Development (PUD), just falls short of required acreage of three acres needed for a PUD. A PUD is the only way to accommodate the proposed use and will allow the developer to be more creative with the layout. He further explained that this amendment is written very narrow to be strictly for residential districts.

Commissioner Rauch questioned if the neighbors are in support of this and if this development will include duplexes. Mayor Miller stated that the City is working on setting up a meeting with the neighbors. Administrator Lahner stated the development will contain small apartments and a duplex. He further stated that there are issues with the sideyards and the triangular piece of property, which is where this text amendment comes in. He stated the only alternate would be to go to the Zoning Board of Appeals which the City felt was inappropriate. He informed the Commission that the plans are proposed to come forward at the July Plan Commission meeting.

Commissioner Schulte moved and Commissioner Lynch seconded to recommend approval to the Common Council. All were in favor and the motion carried.

2. Consideration to recommend approval of a Rezone Application to the Common Council from Traci Smith for property located at 401 James Street to rezone the parcel from Rm-2, Multiple-Family Residence District to Rs-3, Single-Family Residence District, subject to Patrick Meehan's May 30, 2008 memorandum to the Plan Commission.

Mayor Miller opened this issue for discussion.

Patrick Meehan mentioned, as stated in his memorandum as item 6, that existing structures located on the subject property may be nonconforming relative to the various yard dimensional requirements of the Rs-3 District. If the subject property was rezoned into the Rs-3 District, any existing substandard structures located on the subject property would be subject to the provisions of the code regarding any nonconformities relating to existing structure location.

Administrator Lahner stated that he has been by the property recently and feels there may be nonconforming structures. He also informed the commission that the neighbors of the property are very pleased to have the building turned back into a single-family residence.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to recommend approval to the Common Council. All were in favor and the motion carried.

3. Consideration to recommend approval of an Extraterritorial Certified Survey Map to the Common Council from Philip and Mary Jo Klamm for property located at 711 S. Teut Road, subject to Patrick Meehan's May 30, 2008 memorandum to the Plan Commission.

At this time Mayor Miller recommended tabling this item due to a recommendation from the Town of Burlington. He stated the storm water and drainage requirements need to be accepted and approved by the Town before return to the Plan Commission.

Commissioner Eisenhardt moved and Commissioner Henney seconded tabling this item. All were in favor and the motion carried.

4. Consideration to approve an extension to a Conditional Use Permit (CUP) for one year and approve a revised Site Plan for the Community Art Technology Health and Education (CATHE) Center located at 125 E. State Street.

Commissioner Lynch questioned if there have been any complaints. Patrick Scherrer stated that no complaints have been submitted to his office or the Police Department.

Mayor Miller stated that the owner acquired the property to the south which solved many of the issues with the neighbors regarding parking. Patrick Scherrer agreed and stated that the property owner resubmitted the Site Plan which shows the combination of the two lots and the relocation of the driveway.

Commissioner Lynch questioned if the extension to the C.U.P. and a revised Site Plan should be two separate motions. He also questioned if the C.U.P. and revised Site Plan will both need to be reviewed together every year or just the C.U.P.

Patrick Scherrer stated this is a review of the C.U.P. with a request to accept the revised Site Plan and that the next review should only be a C.U.P. review. Administrator Lahner agreed with Mr. Scherrer and stated the commission can approve them either way.

Patrick Meehan stated the commission may want to review the Site Plan next year as there are three less parking stalls as originally planned.

Mayor Miller recommended the Site Plan be reviewed next year with the C.U.P. due to the fact that there are less parking stalls as Mr. Meehan indicated.

Patrick Scherrer informed the commission that the original Conditional Use Permit includes many off-street parking spaces around the property site which can accommodate the necessary parking requirement.

Commissioner Schulte moved and Commissioner Rauch seconded to approve an extension to the C.U.P. for one year. All were in favor and the motion carried.

5. Consideration to approve an extension to a Conditional Use Permit (CUP) for the Burlington Area School District Educational Outreach Center located at 348 Paul Street.

Commissioner Lynch complimented the Burlington Area School District on how well the outreach center is run and how nice the house is kept up. He further recommended extending the review period to every three years from now on.

Commissioner Lynch moved and Commissioner Henney seconded to approve an extension to the C.U.P. for three years. All were in favor and the motion carried.

OTHER MATTERS

None.

ADJOURNMENT

Commissioner Eisenhardt moved and Commissioner Rauch seconded to adjourn the meeting at 6:47 p.m. All were in favor and the motion carried.

Adjourned at 6:47 p.m.

Recording Secretary – Megan E. Johnson